

IN RE: PETITION FOR ZONING VARIANCE
N/S Joppa Road
142' W of 8th Avenue
3128 E. Joppa Road
11th Election District
6th Councilmanic District
Anna Hom, et al
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 409.4 Subsection A to allow a 10 foot wide driveway for two way movement in lieu of the required 20 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and was represented by Geraldine Klauber, Esquire. There were no Protestants.

Testimony and evidence indicated that the subject properties, known as 3126 and 3128 E. Joppa Road, consists of 1.09 acres +/-, zoned R.O. Lot No. 3126 as well as Lot No. 3128 are improved with single family dwellings which the Petitioner proposes to convert to Class A office buildings. The Petitioner has proposed a common driveway between the two properties to access a common parking lot in the rear yards. The parking lot will contain six parking spaces and include one handicapped space.

Counsel for the Petitioner proffered that prior to the Petitioner rehabilitating the subject properties, they had fallen into a dilapidated condition. Counsel also proffered that the Petitioner's request, if granted, will not be injurious to the health, safety or general welfare of this community and, otherwise, meets the requirements of Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of February 1990 that the Petition for Zoning Variance to allow 10 feet in width driveway for two way movements in lieu of the required 20 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The subject properties, specifically, 3126 and 3128 E. Joppa Road shall not be sold or conveyed separately.
- 3) Only the first floor of each building may be utilized as office space as indicated on Petitioner's Exhibit No. 1; the basement and second floor of each building may be used for storage space only.
- 4) The Petitioner shall provide a landscape plan to the Office of Current Planning for approval by the Baltimore County Landscape Planner and said landscape plan shall then be submitted to the Zoning Commissioner for approval. The approved landscape plan shall become a permanent part of the record and file in this matter.
- 5) Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

February 23, 1990



Geraldine Klauber, Esquire
409 Washington Avenue
Suite 600
Townson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 90-298-A
Anna Hom, et al, Petitioner

Dear Ms. Klauber:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmn
encl.
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-298-A
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.4 Subsection A to allow a 10 foot in width driveway for two way movements in lieu of the required 20 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reason: (Indicate hardship or practical difficulty)
PRACTICAL DIFFICULTY: The existing distance between the existing building is 15 ft. Therefore, there is not adequate space for the required 20 ft. drive.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Contract Purchaser: Anna Hom, et al.
Signature: Anna Hom
Address: 1625 Glen Keith Blvd.
Townson, Md. 21204
City and State: Maryland

Attorney for Petitioner:
Signature: Me Tony Vitti
Address: 1717 York Rd., Lutherville, Md 21093
City and State: Maryland
Attorney's Telephone No.: 252-4552

ORDERED By The Zoning Commissioner of Baltimore County, this 23 day of February 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Townson, Baltimore County, on the 23 day of February 1990, at 2:00 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 15 MIN.
AVAILABLE FOR HEARING: MON./TUES./WED. - NEXT TWO POSTES
ALL OTHERS
REVIEWED BY: J. Robert Haines
DATE: 11/1/90

Vitti, Robel & Associates, Inc. 90-298-A
Engineering & Surveying
1717 York Road, Suite 25
Lutherville, Maryland 21093
252-4552

DEED DESCRIPTION
#3126 EAST JOPPA ROAD
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being Northeastly 160.32 feet from the Southeasternmost corner of lot 41 as shown on the plat of "Carney Heights Addition" recorded among the land records of Baltimore County, Maryland in Plat Book W.P.C. 7, Folio 19, said point also being the Northwestern corner of the intersection of Eighth Avenue, 30 feet wide, and East Joppa Road (formerly Chapel Road), thence,

- 1) Binding on the North side of East Joppa Road (formerly Chapel Road), Southwestly 40.04 feet to a point, thence,
- 2) In a Northerly direction, 111.51 feet to a point, thence,
- 3) In an Easterly direction, 40.00 feet to a point, thence,
- 4) In a Southerly direction, 109.05 feet to the place of beginning.

Being known and designated as lots 32 and 33 on the aforementioned plat, recorded in the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 7, Folio 19. The improvements thereon being known as Nc. 3126 East Joppa Road.

Saving and Excepting the 0.011 acre +/- parcel of ground, as shown on Baltimore County Highway Widening Plat No. 66-419-30, which was taken by condemnation by Baltimore County, Maryland, pursuant to an Inquisition dated January 28, 1974, and recorded among the Land Records of Baltimore County, Maryland, in Liber EHK, Jr. 5423, Folio 001.

Vitti, Robel & Associates, Inc. 90-298-A
Engineering & Surveying
1717 York Road, Suite 25
Lutherville, Maryland 21093
252-4552

DEED DESCRIPTION
#3128 EAST JOPPA ROAD
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being Northeastly 120.24 feet from the Southeasternmost corner of lot 41 as shown on the plat of "Carney Heights Addition" recorded among the land records of Baltimore County, Maryland in Plat Book W.P.C. 7, Folio 19, said point also being the Northwestern corner of the intersection of Eighth Avenue, 30 feet wide, and East Joppa Road (formerly Chapel Road), thence,

- 1) Binding on the North side of East Joppa Road (formerly Chapel Road), Southwestly 40.04 feet to a point, thence,
- 2) In a Northerly direction, 109.05 feet to a point, thence,
- 3) In an Easterly direction, 40.00 feet to a point, thence,
- 4) In a Southerly direction, 106.59 feet to the place of beginning.

Being known and designated as lots 34 and 35 on the aforementioned plat, recorded in the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 7, Folio 19. The improvements thereon being known as No. 3128 East Joppa Road.

Saving and Excepting the 0.005 acre +/- parcel of ground, as shown on Baltimore County Highway Widening Plat No. 66-419-30, which was taken by condemnation by Baltimore County, Maryland, pursuant to an Inquisition dated January 28, 1974, and recorded among the Land Records of Baltimore County, Maryland, in Liber EHK, Jr. 5423, Folio 001.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Account: 8-001-4150

11/01/89 H7000154
PUBLIC HEARING FEES
020 ZONING VARIANCE (OTHER) \$175.00
TOTAL: \$175.00
LAST NAME OF OWNER: HOM
These make checks payable to: Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 17, 1990

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Ms. Anna Hom
1635 Glen Keith Blvd
Towson, MD 21204

RE: Item No. 154, Case No. 90-298-A
Petitioner: Anna Hom
Petition for Zoning Variance

Dear Ms. Hom:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Tony Vitell
1717 York Road
Lutherville, MD 21093

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
15th day of November, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Anna Hom, et al
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 19, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Anna Hom, et al, Item 154
Zoning Petition No. 90-298

The Petitioner requests a Variance to permit a 10 ft. in width driveway for two-way movements in lieu of the required 20 ft.

In reference to this request, staff offers no comment.

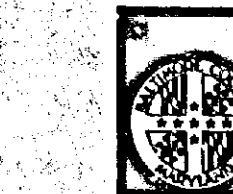
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

RECEIVED
DEC 20 1989
ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

November 29, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 144, 150, 151, 152, 153, 154, 155, 156, 158, & 159.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

RECEIVED
DEC 20 1989
ZONING OFFICE

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4500

Paul H. Reinke
Fire Chief

DECEMBER 1, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ANNA HOM

Location: 63128 EAST JOPPA ROAD

Item No.: 154 Zoning Agenda: NOVEMBER 14, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. PARALLEL ROAD LEADING TO LOTS 5A AND 5B SHALL BE 16 FEET IN WIDTH AND SUPPORT 50,000 LB. FIRE APPARATUS.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reinke*
Planning Group
Special Inspection Division

Noted and Approved

Paul H. Reinke
Paul H. Reinke
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 14, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 144, 150, 153, 155, 156, 158 and 159.

For Item 151, the creation of this lot leaves the 4.939 acre parcel without frontage. Plat 44/09 had previously eliminated frontage of lots east of the panhandle. It appears that a subdivision plat should be prepared for any subsequent division of this tract.

For Item 152, record plat 60/85 identifies Hillside Drive as Hillstead Drive.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

DIENNA, MANN & BRESCHI

ATTORNEYS AT LAW

3 EAC DIENNA, PA.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
GERALDINE A. KLAUBER
FRANCIS X. BORGERDING

SUITE 600
MERCANTILE TOWER BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(301) 296-6830
TELEFAX (301) 296-6884

January 15, 1990

Baltimore County Office of
Planning and Zoning
Towson, Maryland 21204

RE: Case No.: 90-298-A
Hearing Date: 1/25/90 at 2:00 p.m.

Sir/Madam:

I wish to formally enter my appearance on behalf of the Petitioner who has filed for a Zoning Variance. The hearing is scheduled for Thursday, January 25, 1990 at 2:00 p.m..

Thank you very much for your cooperation.

Very truly yours,

Geraldine A. Klauber
GERALDINE A. KLAUBER

GAK:gak
cc: Ms. Anna Hom

RECEIVED
JAN 16 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

December 13, 1989



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER 90-298-A
W/S Joppa Road, 1/2" x 1/4" of 8th Avenue
3128 E. Joppa Road
11th Election District - 8th Councilmanic
Petitioner(s): Anna Hom, et al
HEARING: THURSDAY, JANUARY 25, 1990 at 2:00 p.m.

Variance to allow a 10 ft. in width driveway for two way movements in lieu of the required 20 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day period. The Zoning Commissioner will, however, maintain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

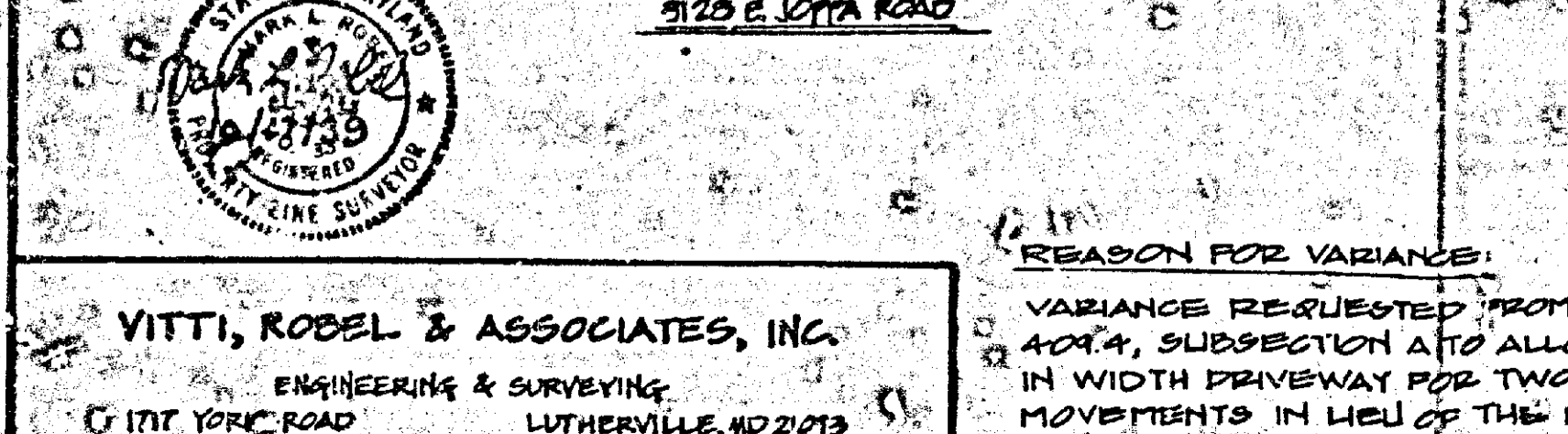
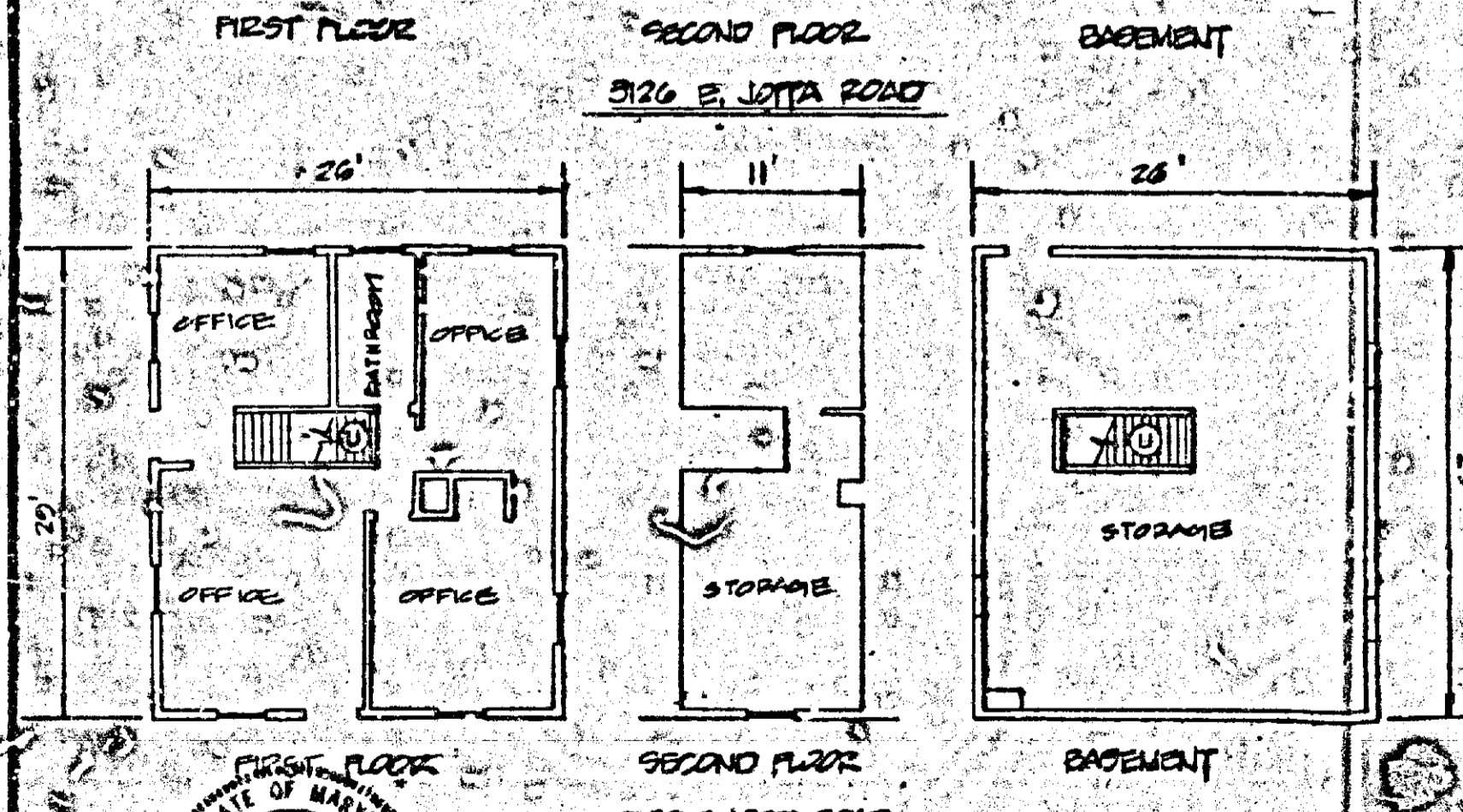
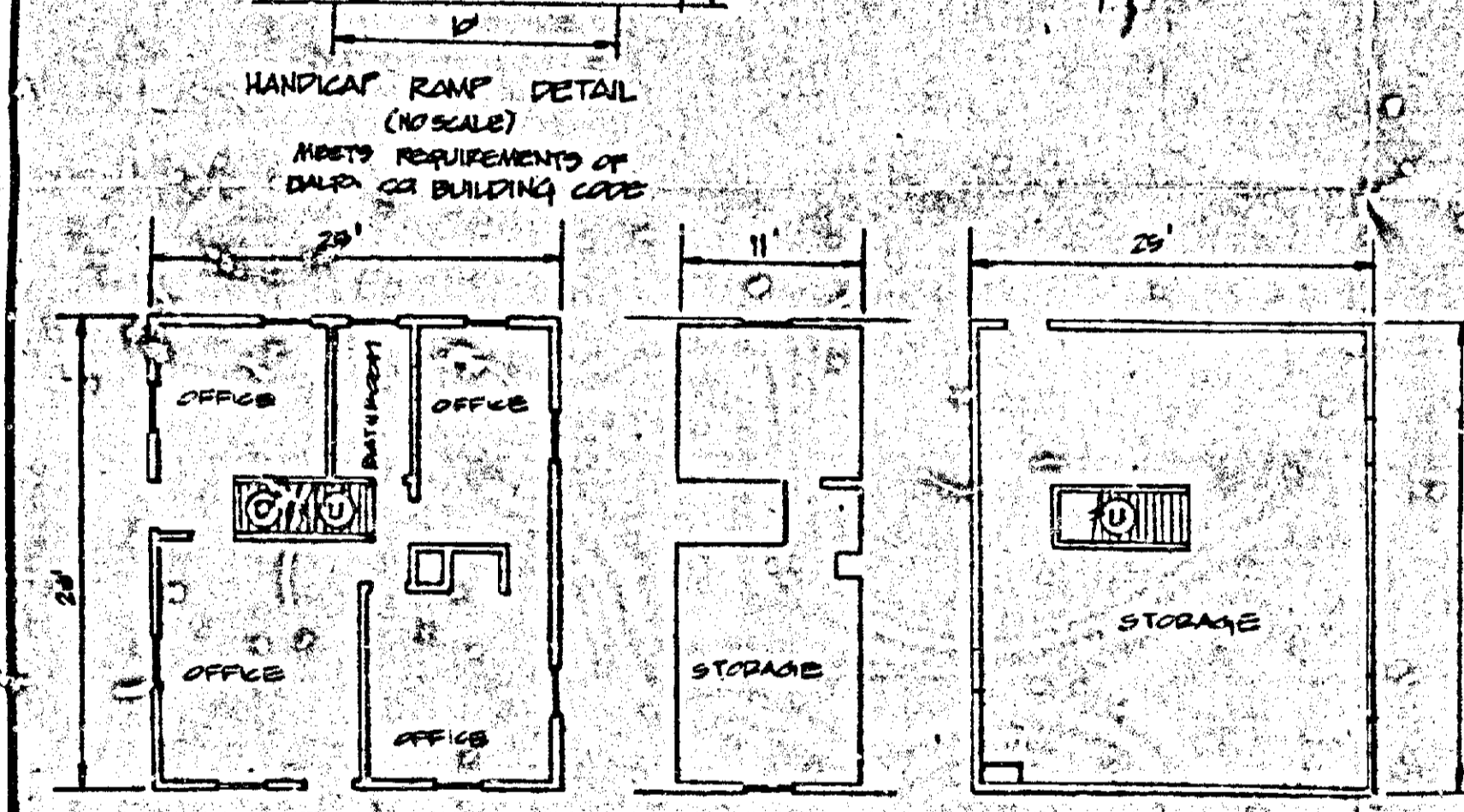
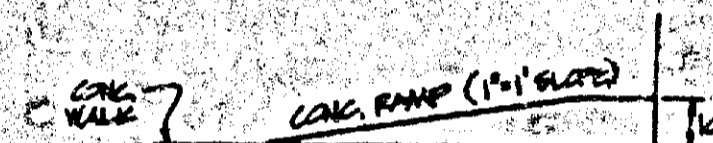
NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Petitioner(s)
Tony Vitell

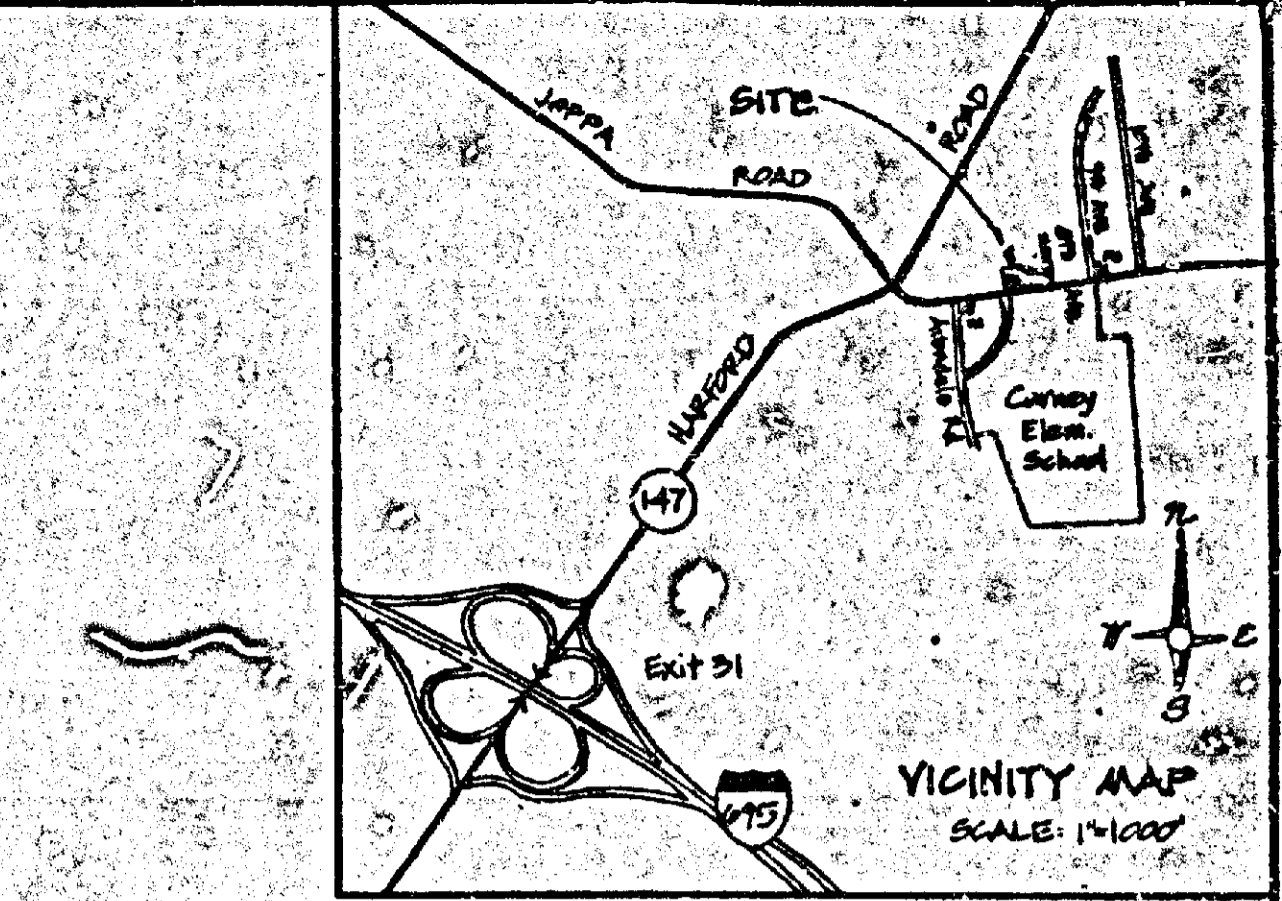
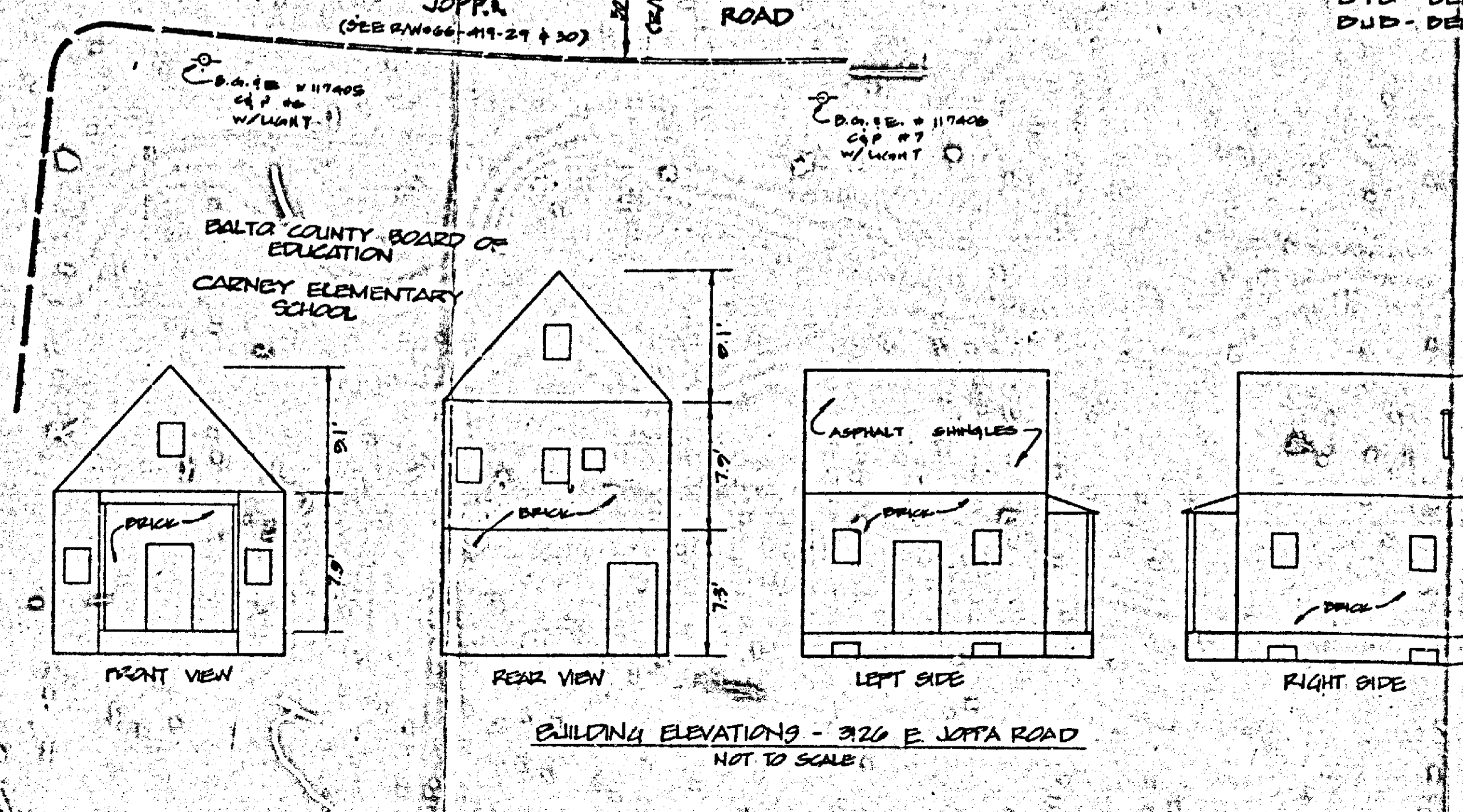
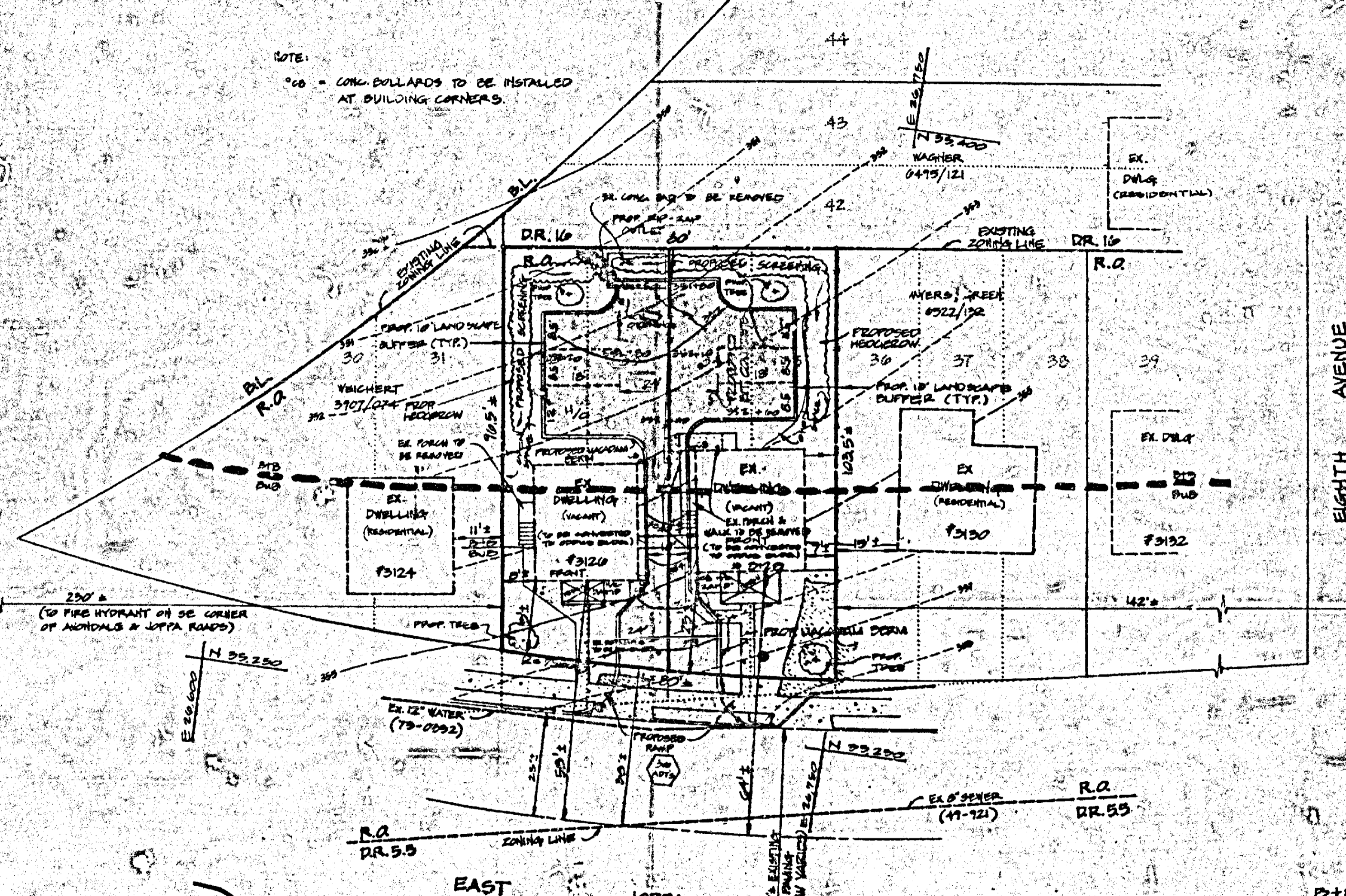
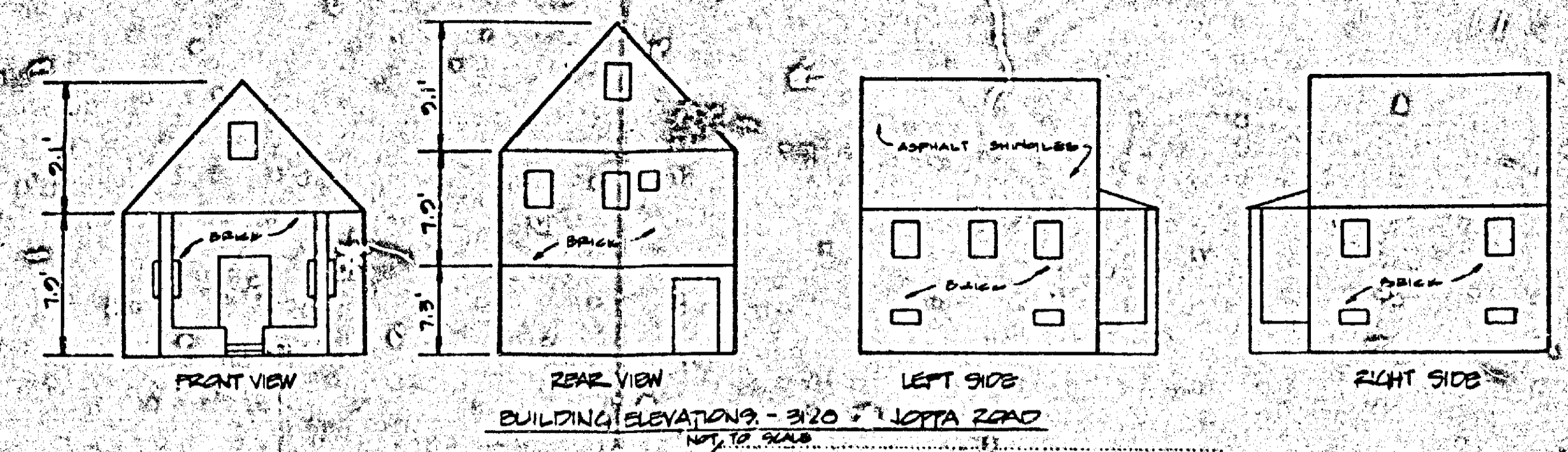
GENERAL NOTES

1. SITE LIES WITHIN:
 - ON COUNCILMANIC DISTRICT
 - CENSUS TRACT 414.04
 - WATERSHED # 4
 - SUBDIVISION # 20
2. HOURS OF OPERATION: 8:00 AM TO 6:00 PM
3. MAX. NO. OF EMPLOYEES: 6
4. NO. OF EMPLOYEES PER FLOOR:
 - (#3120) (F3120)
 - BASEMENT 0
 - FIRST FLOOR 0
 - SECOND FLOOR 0
5. BUILDING ELEVATIONS: ELEVATION DRAWINGS WILL BE PROVIDED
6. LANDSCAPE PLANTING: 2 MAJOR DECIDUOUS TREES WILL BE PLANTED (50' RAD. FRONTAGE + 40' = 2)
7. THERE ARE NO WELLS, SEPTIC SYSTEMS OR UNDERGROUND FUEL TANKS ON THIS OR ANY ADJACENT SITE
8. BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED TO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA (201) LIFE SAFETY CODE, 1995 EDITION
9. NO MEDICAL OFFICES ARE PLANNED FOR THIS SITE
10. ONE (8) SQUARE FOOT NON-ILLUMINATED SIGN IS PERMITTED
11. THIS SITE IS EXEMPT FROM YORK WATER MANAGEMENT UNDER SECTION 2-1502.3, SUBSECTION 2 OF THE BALTIMORE COUNTY STORM WATER MANAGEMENT PRACTICE AND DESIGN MANUAL
12. THE CR3 MEETING PROCESS FOR THIS SITE HAS BEEN WAIVED. WAIVER # 01-52 ON FEB. 17, 1991
13. RESERVE UDS CAPACITY CERTIFICATE WILL BE APPLIED FOR AT THE TIME OF BUILDING PERMIT
14. NO CHANGES TO EXTERIOR OR BUILDING PLANNED
15. THE DWELLING HAS NOT BEEN BALANCED IN FLOOR AREA BY 10% OR MORE WITHIN A PERIOD OF 5 YEARS PRIOR TO THE DATE OF APPLICATION FOR CHANGE OF CONVERSION
16. THIS SITE CONTAINS NONE OF THE FOLLOWING:
 - (A) THE REMAINS OF AN UNDEVELOPED
 - (B) A HISTORICAL BUILDING
 - (C) A PREHISTORICAL SITE
 - (D) A CRITICAL AREA
 - (E) ENDANGERED SPECIES HABITAT
 - (F) HAZARDOUS MATERIAL SITE
17. PROPOSED USE OF BUILDINGS: PROFESSIONAL OFFICE
18. PROPOSED STABILIZATION WILL BE SEED AND MULCH AND LANDSCAPING
19. NO SLOPES ARE TO EXCEED 2:1



VITTI, ROBEL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
1717 YORK ROAD
LUTHERVILLE, MD 21013
(301) 282-4552

REASON FOR VARIANCE:
VARIANCE REQUESTED FROM SECTION 409.4, SUBSECTION A TO ALLOW A 10' IN WIDTH DRIVEWAY FOR TWO WAY MOVEMENTS IN LIEU OF THE REQUIRED 20'



	#3120	#3126
GROSS AREA OF SITE	4411.20 S.F. or 0.10 A.C.	4912.87 S.F. or 0.09 A.C.
NET AREA OF SITE	3876.84 S.F. or 0.08 A.C.	4374.44 S.F. or 0.09 A.C.
BUILDING SIZE		
BASEMENT	STORAGE 700 S.F.	STORAGE 754 S.F.
FIRST FLOOR	STORAGE	STORAGE
SECOND FLOOR	STORAGE	STORAGE
PARKING	8.5 x 20' x 12.5 or 31m x 4	8.5 x 20' x 12.5 or 31m x 4

PARKING PROVIDED: 6 SPACES (5 REGULAR, 1 HANDICAPPED)
(USE-N-COTTON PARKING AGREEMENT TO BE PROVIDED)

PETITIONER'S EXHIBIT 1

B+D - BELTSVILLE SILT LOAM - 2 to 5 percent slopes
BUD - BELTSVILLE-URBAN LAND COMPLEX - 0 to 5 percent slopes

PLANS TO ACCOMPANY ZONING VARIANCE OR SPECIAL HEARING

3126 & 3120 E. JOPPA ROAD
11th ELECTION DISTRICT
SCALE: 1"=20'
BALTIMORE COUNTY, MD
OCTOBER 11, 1991
OWNER: ANITA HOBBS, ET AL.
1035 GRAY KETH BLVD.
TOWSON, MD 21204
APPLICANT: JOE KAVIES
PRISTAL CONSTRUCTION COMPANY
2510 ASHBORNE RD.
BALTIMORE, MD 21222
(301) 247-5112

OCT 17 1991
VITTI, ROBEL & ASSOCIATES, INC.

DEED REFERENCE: 8019/451
TAX ACCOUNT # 11-04-00000 (#3120)
11-20-045100 (#3126)
DEED LOTS 32, 33, 34, 35
"CARNEY HEIGHTS"
WTC 7/19